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THE **E. JORDAN BROOKES CO., INC.**

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FILE COPY

August 26, 1977



Mr. Tom Hall
OSHA Committee Management Office
Room N3635
New Dept. of Labor Bldg.
U.S. Dept. of Labor
Washington, D. C. 20210

Dear Mr. Hall:

Thank you for the time and courtesy devoted to me yesterday at the hearing on Beryllium.

Judge Lesser requested that I send a copy of the statements made. These are enclosed.

I sincerely hope my request of considering the distributor as a separate category and 2% Beryllium Copper separate from high percentage items will be recognized. It really would place an unfair burden if this does not happen.

Thank you again.

Very truly yours,

Robert J. Brookes

RJB:dc
Encl.

XERO COPY

Your Honor, Ladies and Gentlemen:

My name is Robert J. Brookes and I am here today representing the E. Jordan Brookes Co. The Brookes Company is located in California with warehouse operations in Los Angeles and Santa Clara. We are distributors of non-ferrous metals and specialty materials serving the industries in our area. We are classified as a "small business". Our company has been active in the sale of Beryllium Copper for over thirty eight years. We have actually warehoused and distributed this product for over twenty eight years. During this time we have developed extensive experience in the handling, slitting, and cutting of Beryllium Copper.

I am here today with a twofold purpose - (1)to share with you the information we have developed on the handling of 2% Beryllium Copper Alloys and (2) to request that the specific category of "Distributor" be recognized apart from "producer, foundry, machiner, stamper, manufacturer, etc."

To begin with I must say that the proposed Standard certainly shows a very concientious and indepth study has been made by the Dept. of Labor. If I interpret this proposal correctly, the way it reads now would require all categories - i. e. producer, foundry, stamper, machiner, etc. to coniply in a like manner. Also it appears that all concentrations and forms of Beryllium are recognized

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on the same basis. If this is actually the case the cost to comply would be prohibitive for a company such as ours.

I would hope that in the sessions earlier this week and the ones to follow, that enough emphasis will be given to have each product or form of Beryllium be judged on its own. Specifically I hope Beryllium Copper, which is actually less than 2% Beryllium, will be judged by itself and not categorized with high percentage Beryllium items, Beryllium Oxide, etc.

As indicated, our company has over twenty eight years experience in the distribution of Beryllium Copper. I would like to share with you the information we have developed on the handling of this product.

First, I should properly explain the role of the distributor. I know most of you are familiar with the term "Distributor", but perhaps some are not aware of the actual functions performed. Basically a distributor will buy from a manufacturer (producer, as the term is used in the proposed Standard), items of rod, bar, strip, tube, etc. These items will be stored in the "Distributor's" warehouse for sale at a future date to a "stamper", machine "shop", or other intermediate processor or even to the ultimate "end user".

When the Distributor sells the product it may be in the same form as it was received from the producer or it may have minor

changes made such as "cutting to length" for bar or tube items, "cutting to width and length" for plate items or "slitting to width" as in strip items.

I mentioned that we have handled Beryllium Copper for over twenty eight years. I should also tell you that we handle Phosphor Bronze, Brass, Copper and Industrial Plastics in similar forms. In this time we have not had any indication that the storing or processing (slitting or cutting to length) of Beryllium Copper has been detrimental to our employees in any way. We have not had any incidence of lung problems. We have not had a dermatitis problem, nor are we aware of carcinogenic problems. Actually, we handle Beryllium Copper in the exact same manner we handle our other products. I should correct this. There is an exception to this. Seventeen or eighteen years ago our mill required that we add warning labels to all shipments of Beryllium Copper. This, of course, is not necessary with other products.

Our company is small - 46 people altogether - we are a "close knit" group. You can imagine my concern in analyzing the proposed Standard. The cost for us to comply, if necessary, would appear to be prohibitive. It might even be such we would have to drop out of the Beryllium Copper business, and this is a very substantial part of our business. However, the most important thing to me is the health and well being of our people. Hence *although we have not had any incidence of a health problem I felt obligated

to hire an outside organization to run an environmental survey of our facility. I am pleased to report that Mr, George Clayton of Clayton Environmental Consultants, Inc. ran this survey and found our facility to run well within requirements. I would like to read this report to you. (See attached copy.)

A few copies are available for those that are interested.

In addition, I have personally talked with other major distributors of Beryllium Copper. In each case their experience has been identical to ours - they have not had any health problems caused by Beryllium Copper.

It is my feeling that because of the lack of exposure to "airborne Beryllium" and because of the lack of any health problems we have had in our operation or in other distributor operations we have contacted, that the "Distribution Industry" or "Distributor" of Beryllium Copper be specifically exempt from the proposed Standard. I feel that this proposed Standard places an unnecessary burden for not only our company but all companies in the "Distributor" category of Beryllium Copper.

Thank you.